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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

Peteter Stougaard *et al.*

Application No.: 09/824,053

Filed: April 3, 2001

Group Art Unit: 1652

Examiner: William W. Moore

For: RECOMBINANT HEXOSE OXIDASE, A METHOD OF PRODUCING AND USE OF SUCH ENZYME

RESPONSE TO RESTRICTION REQUIREMENT

Director of the United States
Patent and Trademark Office
Washington, D.C. 20231

Sir:

In response to the Office Action mailed September 9, 2002, applicants hereby traverse the restriction requirement and request reconsideration and withdrawal of said restriction requirement. The shortened statutory period for response is set to expire on October 9, 2002. Accordingly, this response is filed within the period provided by the Examiner.

SUMMARY OF RESTRICTION REQUIREMENT

The Examiner has required applicants under 35 U.S.C. § 121 to elect one of 57 groups of claims (see Office Action, pages 2-8).

ELECTION

In the event that the restriction requirement is not withdrawn, applicants hereby provisionally elect the claims of Invention Group III, Claims 9-25, 32-35, and 45-69, with traverse.

TRAVERSAL

Applicants respectfully traverse the Examiner's restriction requirement, as follows. A requirement for restriction is only proper when a serious burden is placed on the Examiner. Applicants respectfully submit that a search and examination of all claims may be made without imposing a serious burden on the Examiner. This is evidenced, for example, by the classification of Invention Groups I to VIII in the same class/subclass, Invention Groups IX to XVI in the same class/subclass, etc.

In view of the foregoing, an important advantage in pursuing just one application encompassing all of the invention groups cited by the Examiner is that the examination work of the U.S. Patent and Trademark Office would be simplified, insofar as duplication of searching effort would be eliminated.

Further, applicants respectfully submit that the claims of the designated groups have not acquired a separate status in the art for examination purposes. In particular, the Examiner has failed to establish separate status in the art by citing patents which are evidence of such separate status, or showing separate fields of search. Art very relevant to the patentability of the compositions might very logically be found in the art classes assigned to the process claims. The classification cited in support of the election requirement is merely used for cataloging purposes and it is not conclusive of the propriety of such a requirement.

Accordingly, the restriction requirement will serve no purpose other than to unfairly and improperly require applicants to pay duplicative PTO fees to obtain patent protection for their invention.

Applicants believe that no fees are necessary in connection with the filing of this document. In the event any fees are necessary, please charge or credit any such fees, including fees for any extensions of time, to the undersigned's Deposit Account No. 50-0206.

In view of the above remarks, it is thus respectfully requested that the restriction requirement be withdrawn and that all claims be allowed to be prosecuted in the same application.

Respectfully submitted,

HUNTON & WILLIAMS

Dated: October 9, 2002

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